



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JULIA FRENCH,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

3:07-CV-603-BES-RAM

ORDER

Before the Court is Plaintiff's Complaint (#7) filed on January 11, 2008. On May 12, 2008, the Court entered and served on Plaintiff a Notice advising her that she had failed to serve her Complaint and advising her of the time limit in which to effect service (#15). This action was referred to U.S. Magistrate Judge Robert A. McQuaid pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. The Magistrate Judge submitted his Report and Recommendation (#17) on June 16, 2008, recommending that this Court enter an order dismissing the action without prejudice. Plaintiff filed her Objections to Magistrate Judge's Report and Recommendation (#19) on June 30, 2008. To date Plaintiff has not served any of the Defendants.

I. ANALYSIS

A. Review of Magistrate Judge's Order

Any party may object to a magistrate judge's case dispositive proposed order, findings, or recommendations. 28 U.S.C. § 636(b)(1)(B); Fed.R.Civ.P. 72(b); LR 74.2. The district court must make a *de novo* determination of those portions of the magistrate judge's report to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. *Id.* De novo review means the court must

1 consider the matter anew, the same as if it had not been heard before and as if no decision
2 previously had been rendered. Ness v. Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992).
3 Thus, although the district court need not hold a de novo hearing, the court's obligation is to
4 arrive at its own independent conclusion about those portions of the magistrate judge's
5 findings or recommendation to which objections are made. United States v. Remsing, 874
6 F.2d 614, 617 (9th Cir. 1989).

7 After conducting a *de novo* review of the record, the Court accepts and adopts the
8 Magistrate Judge's recommendation (#17).

9
10 **III. CONCLUSION**

11 IT IS HEREBY ORDERED that Plaintiff's Objection to Magistrate Judge's
12 Recommendation and Findings (#19) is DENIED.

13 IT IS FURTHER ORDERED that this action is DISMISSED without prejudice.

14 IT IS SO ORDERED.

15 DATED: This 6th day of October, 2008.

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21 UNITED STATES DISTRICT JUDGE
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